Supreme Court, U.S.
FILED

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No_____

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IN THE
SUPREME COURT OF THE UNITED STATES

_____

JUAN P. CEDILLO, President
UNITED STATES COUNTER - INSURGENTS
ASSOCIATION OF JUSTICE, INC. - Petitioner

VS.

UNITED STATES OF AMERICA - Respondent

ON PETITION FOR WRIT OF CERTIORI TO

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

SUPPLEMENTAL APPENDIX TO PETITION FOR WRIT OF CERTIORARI

JUAN P. CEDILLO
1215 Grand Avenue.
Kansas City, Missouri 64106
1-816-221-0341

SAP

ADDENDUM APPENDIX TO PETITION FOR WRIT OF CERTIORARI FILED JUNE 4, 2001

The following Addendum to the Appendix of the Petition for Writ of Certiorari filed on June 4, 2001 with the Supreme Court of the United States as captioned is by direction of the Court Clerk.

ADDED APPENDIX

The Per Curiam Order of the Unit States Court of Appeals for the Eighth Circuit in Juan Cedillo v. United States of America, Case Number 99-4269 is designated Appendix "D".

Respectfully submitted,

_____

Juan Cedillo

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

NO. 99-4269

Juan Cedillo, President, United States Counter-Insurgent Association of Justice, Inc.,

Appellant,

v.

United States of America

Appellee.

* Appeal from the United-States District Court for the Western District of Missouri.

Submitted: October 6, 2000

Filed: October 13, 2000

Before McMILLIAN, BOWMAN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Juan Cedillo appeals the district court's[1] dismissal of his motion for injunctive relief. Mr. Cedillo sought an order requiring the Immigration and Naturalization Service, among others, to cease all deportation proceedings involving various classes of persons, including the immediate family members of United States citizens. We conclude that the district court properly refused to grant the relief sought, which, as the court note, is barred by statue, See 8 U.S.C.§

[1] The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri

1252(f) (regardless of nature of action or claim, or of party bringing action, no court other than Supreme court shall have jurisdiction enjoin "operation of provisions of part IV of this subchapter" except as applied to individual aliens against whom proceedings have been initiated); Reno v. Am. Arab Anti-Discrimination Comm., 525 U.S. 471, 481-82 (1999) (by its plain terms,§ 125(f) prohibits federal courts form granting classwide injunctive relief against operation of 8 U.S.C. §§ 1221-1231 (dealing with detention and deportation of aliens), but specifies that ban does not apply to individual cases).

Mr. Cedillo argues that the district court's rulings in this matter (including the court's grant of the governments properly filed motions for an enlargement of time to respond to Mr. Cedillo's motion) are indicative of a conspiracy between the court and the government. We reject this argument out of hand as frivolous.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT

THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JUDGEMENT IN A CIVIL CASE

JUAN CEDILLO and UNITED STATES COUNTER-INSURGENT ASSOCIATION FOR JUSTICE, INC.,

Plaintiffs,

Case No. 99-0671-CV-W-4

v.

THE UNITED STATES OF AMERICA,

Defendant.

ORDER

Now pending before the Court is Defendant's United States of America ("United States") Motion to Dismiss Amended Motion For Injunctive Relief (Doc.#9) and Plaintiffs' Motion to Compel a Response to Motion For Injunctive Relief (Doc. #13). For the Reasons Set forth Below, Defendant's motion to dismiss is granted and Plaintiff's motion to compel is denied.

On July 20, 1999, Plaintiffs fled an Amended Motion for Injunctive Relief. The Motion seeks an order enjoining the Immigration and Naturalization Service form conducting deportation proceedings involving: (1) "[i]mmediate family members of United States[;]" and (2) "[m]embers of Asociacion De Justicia and applicants seeking refuge thereinunder [sic] from the insurgents." Defendant subsequently filed the pending motion to dismiss arguing that the relief sought by Plaintiffs is statutorily prohibited under 8 U.S.C. § 1252(f)(1). Agreeing with this argument, the Court finds that Plaintiffs' Amended Motion for Injunctive Relief must be denied.

Section 1253(f) of Title 8 is entitled "Limit on injunctive relief" and provides in relevant part:

Regardless of the nature of the action or claim or of the identity of the party of parties bringing the action, no court (other that the Supreme Court shall have jurisdiction or authority to enjoin or restrain the operation of the provisions of part IV of this subchapter[8 U.S.C §§ 1221-1231], as amended by the Illegal Immigration Reform and Immigrant

> Responsibility Act of 1996, other thatn with respect to the application of such provisions to an individual alien against whom proceedings under such part have been initiated.

8 U.S.C. § 1252(f)(1). The United States has recently read 1252(f)(1)

"[b]y its plain terms, and even by its title [,] ... [to prohibit] federal courts from granting classwide [sic] injunctive relief against the operation of 1221-1231." *Reno v. American-Arab Anti-Discrimination Committee,* 525 U. S. 471, 119 s.Ct. 936, 942, 142, L.Ed.2d 940 (1999). Sections 1221-1231 of Title 8 deal with the detention and deportation of aliens. See 8 U.S.C. § 1221 et siq.; *Catholic Social Serv., Ind. v. Immigration and Naturalization Serv.*, 182 F.3d 1053, 1061 (9th cir. 1999). Thus, the injunctive relief sought by Plaintiff, a court order enjoining certain deportation proceedings, would directly interfere with the operation of the deportation provision of §§ 1221-1231. Additionally, Plaintiff seeks class-based injunctive relief by seeking to enjoin deportation proceedings instituted against immediate family members of United States citizens and members of Asociacion De Justicia. Thus, the injunctive relief sought by Plaintiff falls squarely within the language of § 1252(f)(1). Accordingly, the Court lacks jurisdiction to enter such relief and the request must be dismissed.

Plaintiffs have also filed a motion to compel a response to their motion for injunctive relief. Although not entirely clear from the language of the motion, it appears that Plaintiffs are seeking a default judgement against the United States for failing to respond to Plaintiffs' request for an injunction. However, the United States was granted an enlargement of time to file a motion to dismiss in this action. On October 8, 1999, within the enlargement period the United States filed a motion. Because the Federal Rules of Civil Procedure provide for the filing of a motion to dismiss in lieu of filing an answer, *See* Fed. R.Civ.P. 12, there is no basis for the entry for default Judgement in this case. Thus, Plaintiffs' motion to compel must be denied. Accordingly, it is hereby ORDERED that:

(1) Defendant's Motion to Dismiss Plaintiffs' Amended Motion for Injunctive Relief (Doc. # 9) is GRANTED; and

(2) Plaintiffs' Motion to Compel (Doc. # 9) is DENIED

IT IS SO ORDERED

Dated: 11-15-99

GARRY A FENNER
UNITED STATES DISTRICT
JUDGE

THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI

WESTERN DIVISION

JUDGEMENT IN A CIVIL CASE

JUAN CEDILLO and UNITED STATES COUNTER-INSURGENT ASSOCIATION FOR JUSTICE, INC.,

Plaintiffs,

Case No. 99-0671-CV-W-4

v.

THE UNITED STATES OF AMERICA,

Defendant.

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came before the Court. The issues have been determined and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Defendant's Motion to Dismiss Plaintiffs' Amended Motion for Injunctive Relief is GRANTED; and Plaintiffs' Motion to Compel is DENIED

November 15,1999
Date

Patricia L. Brune
Clerk

(by)Deputy Clerk